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DISTRICT OF NEVADA

LEE EDWARD SZYMBORSKI
PLAINTIFF,
VERSES
THE CITY OF NORTH LAS VEGAS

COMPLAINT

THE CITY OF NORTH LAS VEGAS
MUNICIPAL COURT JUDGE SEAN
HOEFFGEN IN HIS OFFICIAL AND
INDIVIDUAL CAPACITY

2:19-cv-00335-JAD-VCF

THE CITY OF NORTH LAS VEGAS
POLICE DEPARTMENT,

JURY DEMAND

OFFICER DALE SMOCK IN HIS
OFFICIAL AND INDIVIDUAL
CAPACITY.

COMES NOW the Plaintiff, Lee Edward Szymborski is compelled to file for his claims of relief against Defendants and each of them jointly and severally, based upon knowledge And belief, Video and Documentary material evidence and clear evidence; Multiple Eyewitnesses and derived therefrom;
ALLEGE, COMPLAIN, AND FACTUALLY STATE AS FOLLOWS;

JURISDICTION AND VENUE

1. This Court has jurisdiction of this action within the meaning of 42 U.S.C. §§12181-12189, 42 U.S.C. 12102,12132 12182 , and all implementing regulations in its entirety.

2. 42 U.S.C. §1985 (3)- CONSPIRACY

3. §§ 12182, 28 C.F.R. § 35.130(g), 42 U.S.C. §§1983,1985,1986,1988 12112(b)(4), 12182(b)(1) (€). and is therefore; subject to Title 11 of the (“ADA”), 42 U.S.C. §§ 12131 and all implementing regulations encompassing 28 C.F.R. All **Defendants** are sued by violating all the above aforementioned regulations as well as all listed state claims.

4. THE CITY OF NORTH LAS VEGAS are “**recipients**” of “Federal Financial Assistance” and are therefore subject to

Section 504, 29 U.S.C. § 794, and all the implementing regulations in its entirety.

5. This Court has authority to grant a declaratory judgement pursuant to 28 U.S.C. § 12117, as applied to all of defendant's Title 11 claims.

6. Venue is appropriate pursuant to 28 U.S.C. § 1391 because the defendants are located in Nevada and all of the events or omissions giving rise to the claims under Title 11 and ("Section 504") occurred in Nevada and applies to THE CITY OF NORTH LAS VEGAS AND THE CITY OF NORTH LAS VEGAS POLICE DEPARTMENT.

7. This Court also has subject matter jurisdiction pursuant to 28 U.S.C. 1983 due to the deprivation of rights, privileges, and immunities secured to Plaintiff under the Fourth, Sixth, Eighth, Fourteenth Amendments to the United States Constitution and applies to The CITY OF NORTH LAS VEGAS, and all the aforementioned Claims applying to THE CITY OF NORTH LAS VEGAS POLICE DEPARTMENT except The Sixth Amendment.

8. This Court has subject matter jurisdiction pursuant to 42 U.S.C. 1983 (Monell Liability) Custom, Policy, Practice; and applies to

1 Defendant THE CITY OF NORTH LAS VEGAS and THE CITY
2 OF NORTH LAS VEGAS POLICE DEPARTMENT.
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4 9. This Court has supplemental jurisdiction over Plaintiff's causes of
5 action arising under Nevada State Law pursuant to 28 U.S.C.1367
6 (and all implementing regulations in its entirety) and 42-
7 U.S.C.\$ 1985-CONSPIRACY and applies to all Defendant's.
8

9 10.Venue lies in the Southern Division of the United States District
10 Court for the District of Nevada pursuant to 28 U.S.C.1391 (a)(1)
11 and 28 U.S.C. 1391(b) (2) 28 U.S.C. (and all implementing
12 regulations in its entirety) because one or more Defendants is a
13 Political Subdivision of the State of Nevada, and because the
14 underlying acts, omissions, events, injuries, and related facts upon
15 which the present action is based, occurred in Clark County, Nevada.
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23 **PARTIES**

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25 **PLAINTIFF**
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1 11. Plaintiff Lee Szymborski is a 64 year old "Qualified Disabled
2 Person" and a member of the Protected Class of Citizens under
3 the umbrella of The Americans With Disabilities Act ("ADA").
4

5 12. Plaintiff is permanently mentally and physically disabled and is
6 currently receiving Social Security Disability benefits.
7

8 13. Plaintiff suffers from a Traumatic Brain Injury.
9

10 14. Plaintiff is diagnosed with cognitive defects and post
11 concussive balance impairment. Plaintiff has frequent headaches with
12 Post Traumatic Stress Disorder ("PTSD") .
13

14 15. Plaintiff constantly experiences anxiety, severe anxiety, panic
15 disorder, frequent panic attacks, frequent mood changes, depression
16 and Social Adjustment Disorders.
17

18 16. These mental impairments interfere with Plaintiff's brain
19 function, major bodily functions, and substantially limit the Plaintiff's
20 ability to perform his various tasks of daily living.
21

22 17. Plaintiff is legally blind in his right eye having been diagnosed
23 with an optic pit on his optic nerve and unfortunately, the condition
24 will not return to normal.
25

26 18. Plaintiff has been diagnosed with several Herniated discs in his
27 lower lumbar spine at L2 L3 L4 L5 and L5 -S1. Plaintiff has a disk
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1 osteophyte complex at the C3 C4 C5 C6 and disk bulges at C4 C5 C6
2 C7, and C7-T1.
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4 19. Plaintiff is in constant pain throughout the day and has chronic
5 insomnia due to his back pain and mental impairments. Plaintiff's
6 mental and physical disabilities also severely limit the Plaintiff's
7 ability to perform the various tasks of daily living and to communicate
8 effectively with other people.
9

10 20. Plaintiff has no choice but to engage in several hours of
11 physical therapy on a daily basis for pain management to prevent the
12 pain from becoming unbearable, as his physical impairments are
13 inoperable and is now under the care of a Chiropractor.
14

15 21. Plaintiff is under the care of a Board Certified Psychiatrist and
16 Psychologist for his mental impairments. Plaintiff also attends weekly
17 group therapy classes for his Social Adjustment Disorder.
18

19 22. Plaintiff is a Victim of Crime enrolled in the State of Nevada's
20 Victim Of Crime Program; (Claim # 17-10033908) due to Plaintiff
21 and Plaintiff's bicycle being **brutally run over** by a Convicted Felon
22 neighbor driving a white Ford Explorer with another Convicted Felon
23 neighbor riding in the white Ford Explorer as an accomplice on
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1 September 6, 2016. The Brutal Attack was videotaped by Plaintiff and
2 featured by Channel 13 Anchorman David Schumann.

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4 **23. "CAUGHT ON CAMERA: MAN BRUTALLY**
5 **ATTACKED IN CHAOTIC SCENE".**

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7 24. In the video you can clearly hear the Convicted Felon neighbor
8 yelling "You're a dead man motherfucker! I am going to burn your
9 house down!". He and his accomplice also ran over Plaintiff's bicycle
10 carrying it over 4 blocks with the bicycle stuck on the front bumper
11 of the white Ford Explorer.

12
13 25. Unfortunately, despite clear videotaped evidence and Plaintiff's
14 true testimony ant that of witnesses, no arrest was made; and The City
15 of North Las Vegas Police Department repeatedly let the continuing
16 life threatening situation escalate to more assaults while North Las
17 Vegas Police Officers acted under color of law following THE CITY
18 OF NORTH LAS VEGAS POLICE DEPARTMENT custom and
19 policy of not being in compliance with the AMERICANS WITH
20 DISABILITIES ACT ("ADA") due to at least inadequate training
21 going so far as to falsely issuing Plaintiff a Citation for "BEING A
22 NUISANCE" while engaged in lawful activity calling 911 pleading
23 for help in yet another life threatening assault with a deadly weapon
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1 where **the same assailants** tried to run over Plaintiff **again!**

2 Furthermore, after this incident these same Convicted Felon neighbors
3 committed **Grand Theft** invading Plaintiff's backyard and stealing
4 vintage bicycles and bicycle parts caught by clear evidence shown to
5 Officers Silva and Spanbauer, and continuing property damage
6 perpetrated by the **same assailants** by running over Plaintiff's
7 mailbox three times met with deliberate indifference by Officers
8 Spanbauer and Silva after being shown clear evidence. Plaintiff has
9 suffered the continuing deliberate indifference by THE CITY OF
10 NORTH LAS VEGAS POLICE DEPARTMENT'S policy and
11 custom of "Deliberate Indifference to Mentally Disabled Citizens
12 safety and property and in violation of the State of Nevada's Victim
13 of Crimes Program where THE CITY OF NORTH LAS VEGAS
14 POLICE DEPARTMENT has a statutory duty to protect a Victim of
15 Crime from further harm. Defendant's non action resulted in
16 **continuing violations** of Plaintiff's Federally Protected Civil Rights
17 due to "Deliberate Indifference" and at least lack of proper training.
18 26. (See incorporated by reference Exhibit A "Proof of Disability.
19 Proof of Victim of Crime, Channel 13 Caught on Camera News
20 coverage")
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1 27. (See incorporated by reference "Exhibit B "-Video of Plaintiff
2 being run over while riding a bicycle "Assault With A Deadly
3 Weapon, Video of Convicted Felon Neighbor stealing bicycle parts.
4 Picture of Plaintiff's run over mailbox by Convicted Felon neighbor
5 in his white Ford Explorer **after the first Assault!**
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8 28. **This non -action shocks the conscious!**

9 **DEFENDANT CITY OF NORTH LAS VEGAS**

10 **DEFENDANT JUDGE SEAN HOEFFGEN**

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12 DEFENDANT; THE CITY OF NORTH LAS VEGAS, a
13 Municipal Corporation; including its respective departments,
14 agencies, and other instrumentalities, is a "**public entity**" within the
15 meaning of 42 U.S.C. §§ 12131-12134, and all enforcing Regulations
16 and 28 C.F.R. part 35, **and therefore is subject to and is sued for**
17 **violations of TITLE 11 OF THE AMERICANS WITH**
18 **DISABILITIES ACT" (ADA")as well as JUDGE SEAN**
19 **HOEFFGEN.**
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23 Defendant **THE CITY OF NORTH LAS VEGAS AND**
24 **DEFENDANT JUDGE DEAN HOEFFGEN** are sued by the
25 implementing regulation 28 C.F.R. part 35, and as further defined by
26 Title 11 Regulations.
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1 THE CITY OF NORTH LAS VEGAS receives federal funding and is
2 not immune to Civil Lawsuits .

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4 **Defendant's CITY OF NORTH LAS VEGAS AND JUDGE**
5 **SEAN HOEFFGEN therefore are subject to Section 504 of the**
6 **Rehabilitation Act 1973, 29 U.S.C. §794 and the implementing**
7 **regulation, 28 C.F.R. Part 42 subpart G and are sued in that**
8 **capacity .**
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11 Defendant's **THE CITY OF NORTH LAS VEGAS AND**
12 **JUDGE SEAN HOEFFGEN** at all times as possessing the power
13 and authority to BE IN COMPLIANCE WITH Title 11 AND
14 SECTION 504 OF THE AMERICANS WITH DISABILITIES
15 ACT ("ADA") . **THE CITY OF NORTH LAS VEGAS** has the
16 authority to adopt policies and prescribe rules, regulations, and
17 practices affecting all areas of training, supervision, control,
18 employment and removal (i.e.) "**FIRING**" of individual members
19 of the CITY OF NORTH LAS VEGAS POLICE DEPARTMENT
20 (hereafter "NLVPD") and its ANIMAL CONTROL DIVISION,
21 JUDGE SEAN HOEFFGEN and CITY PROSECUTING
22 ATTORNEYS; DEPUTY CITY ATTORNEY KIMBERLY
23 PHILLIPS, DEPUTY CITY ATTORNEY DEEP GOSWAMI,
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1 DEPUTY CITY ATTORNEY JAMES SMEDLEY, emergency
2 call and dispatch employees, agents, other employees, servants and
3 contractors including its POLICY MAKERS, and through
4 Defendant DALE SMOCK who supervises other ("NLVPD")
5 ANIMAL CONTROL OFFICERS.
6
7

8 29. Defendant DALE SMOCK was and is at all times relevant to this
9 action as the SUPERVISING OFFICER OF THE CITY OF
10 NORTH LAS VEGAS ANIMAL CONTROL DEPARTMENT
11 and was and is continuing to act under **COLOR OF STATE**
12 **LAW PERTAINING TO THE ENFORCEMENT OF THE**
13 **STATE OF NEVADA AND CITY OF NORTH LAS VEGAS**
14 **NOISE ORDINANCES** and continues to violate The Americans
15 With Disabilities Act ("ADA") and Civil Rights Violations
16 pursuant to 42 U.S.C. 1983 ,and State claims due to inadequate
17 training, lack of supervision, or policy and customs of THE CITY
18 OF NORTH LAS VEGAS POLICE DEPARTMENT. Therefore
19 JUDGE SEAN HOEFFGEN AND OFFICER DALE SMOCK
20 are is sued in their Official and Individual capacity as to
21 Plaintiff's claims for violating Title 11 of THE AMERICANS
22 WITH DISABILITIES ACT("ADA") AND SECTION 504 OF
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1 THE REHABILITATION ACT 1973, 29 U.S.C. § 794 AND ALL
2 ENCOMPASSING IMPLEMENTING REGULATIONS arising
3 under aforementioned claims and claims pertaining to 42 U.S.C.
4 § 1983, 1985(3), 1986, 1988 28 U.S.C. § 1331, and as to Plaintiff's
5 State law claims (28 U.S.C. §§ 1343, 1367)
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8 **NORTH LAS VEGAS POLICE DEPARTMENT**

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10 **30. DEFENDANT NORTH LAS VEGAS POLICE DEPARTMENT**

11 is a Law Enforcement Agency for Clark County and THE CITY
12 OF NORTH LAS VEGAS, with Jurisdiction over THE CITY OF
13 NORTH LAS VEGAS, and is tasked with enforcing Federal Laws,
14 Nevada Statutory Laws, Clark County Codes as well as the State
15 and local Nuisance Noise Ordinances.
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18 WHEREAS, THE CITY OF NORTH LAS VEGAS POLICE
19 DEPARTMENT is an agency of THE CITY OF NORTH LAS
20 VEGAS, a "PUBLIC ENTITY" for purposes of 42 U.S. C.
21 § 12132 and the implementing regulations, 28 C.F.R. § 35.104 et
22 seq.
23

24
25 Defendant THE CITY OF NORTH LAS VEGAS POLICE
26 DEPARTMENT is sued for violations of Title 11 and Section 504
27 of The Americans With Disabilities Act ("ADA") of all
28

1 enforcement provisions for the failure to train Officers to handle
2 interactions with mentally ill individuals and are included in
3 “programs, services, or activities including handling **mental illness**
4 calls and calls of **legal conduct** to enforce the CITY OF NORTH
5 LAS VEGAS Nuisance noise ordinance regarding explosive
6 barking from a neighbors Commercial Dog kennel and related to
7 anxiety panic attacks due to Plaintiff’s severe anxiety disability
8 under § 12132 of the Americans With Disabilities Act (“ADA”)
9 and for violations of 42 U.S.C. §§1983, §1985, 1986, 1988 28
10 U.S.C. §§1331, 1343, and 1367 and for Violations of The Fourth,
11 Eighth, and Fourteenth Amendments and supplemental State
12 claims.
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21 WHEREAS the Plaintiff, The City of North Las Vegas, The City
22 of North Las Vegas Police Department and its Police Officers have
23 a mutual goal of ensuring that they comply with the requirements
24 of Title 11 and Section 504 of the (“ADA”) and engage in a self-
25 evaluation and transition plan to remedy nonexistent policies and
26 inadequate training to deal with THE CITY OF NORTH LAS
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1 VEGAS'S mentally ill population and to foster a transition time or
 2 timetable within which THE CITY OF NORTH LAS VEGAS
 3 POLICE DEPARTMENT will come into compliance with the
 4 ("ADA"), as well as appropriately enforcing Federal, State, and
 5 local laws of which they take a Sworn Oath to do without Irrational
 6 or Intentional Discrimination as in the case of Plaintiff and to
 7 provide equall access to all programs and services; therefore
 8 Protecting The Rights of Qualified Disabled City Residents
 9 equally with the other Residents.
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13 **NATURE OF THE ACTION**

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 15 This is an action for money damages, declaratory, and injunctive
 16 relief brought to enforce all the Regulations of Title 11 of The
 17 American's With Disabilities Act, ("ADA") 42 U.S.C
 18 \$12132,1213 et seq , 42 U.S.C. (all inclusive regulations) 42
 19 U.S.C. and Section 504.(all inclusive regulations)
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22 This is an action for money damages, declaratory, and injunctive
 23 relief brought pursuant to ADA \$12132 42 U.S.C. §§ 1983 and
 24 1988, The Fourth, The Sixth, The Eighth, and Fourteenth
 25 Amendments to The United States Constitution, and under the laws
 26 of the State of Nevada, 28 U.S.C. § 1367(a), against THE CITY
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1 OF NORTH LAS VEGAS and THE CITY OF NORTH LAS
2 VEGAS POLICE DEPARTMENT except the Sixth Amendment.
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4 **STANDING**

5 Plaintiff was directly affected by Defendant's practices and
6 policies, inadequate training, inadequate supervision and /or non
7 compliance with The Americans With Disabilities Act ("ADA") and
8 continuing "Deliberate Indifference" to the Constitutional Rights of
9 Qualified Mentally Disabled North Las Vegas Citizens; as set forth
10 more fully herein, and other abuses by Defendant's operating under
11 color of law as and non compliance with the ("ADA") alleged herein.
12 Therefore, an actual case and controversy exists between Plaintiff
13 and Defendant's concerning not only Disabled Plaintiff's Rights and
14 Privileges, but to all Disabled Mentally Ill North Las Vegas Citizens.
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21 **FACTS RELATED TO ALL CAUSES OF ACTION**

22 **SINCE MAY OF 2013 TO PRESENT, THE CITY OF NORTH**
23 **LAS VEGAS AND THE CITY OF NORTH LAS VEGAS**
24 **POLICE DEPARTMENT HAVE CREATED, ESTABLISHED,**
25 **AND CARRIED A POLICY, SCHEME, PATTERN OF**
26 **MISCONDUCT THAT WAS THE DRIVING FORCE OF**
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“DELIBERATE INDIFFERENCE”

TO PLAINTIFF’S DEPRIVATION OF CIVIL RIGHTS AND

“DICRIMINATORY ANIMUS” TO PLAINTIFF’S

“REAL OR PERCEIVED” MENTALL ILLNESS AND

HIS FAMILIAL ASSOCIATION WITH HIS GRAVELY

MENTALLY ILL SON, SEAN SZYMBORSKI, VIOLATING

“THE AMERICANS WITH DISABILITY ACT” (“ADA”)

On or about May third 2013, my Son Sean came to visit me. He lived with my ex-wife Diana Thompson a couple of miles away. Just a few hours later my son had a suicidal overdose by smoking “Spice.” He was lying in my guest bedroom in a pool of blood and he got up and started to charge at me. I ran outside, called 911, and several North Las Vegas Police Units arrived. The Officers had to extract my son from the washroom and put a “LEGAL 2000 Hold” on Sean. He was taken by Paramedics to Centennial Hills Hospital and then admitted to SPRING MOUNTAIN TREATMENT CENTER with acute psychosis, spice abuse and suicidal behavior.

That on May 14, 2013 at approximately 3:30 p.m., SPRING MOUNTAIN TREATMENT CENTER ,7000 Spring Mountain

1 Road, Las Vegas, NV. 89117, issued an "UNAUTHORIZED
2 UNSAFE DISCHARGE" of a mentally ill adult patient to wit: SEAN
3 T. SZYMBORSKI in Violation of NAC 449.332 to Plaintiff's home.
4
5 SPRING MOUNTAIN TREATMENT CENTER was directed by
6 KATHLEEN BUCHANEN to provide a guardianship for Sean T
7 SZYMBORSKI but failed to do so.

8
9 That SEAN T SZYMBORSKI was provided a taxi ride, released
10 without money, without appropriate medication, without ability to
11 care for himself, and being a danger to himself and others was driven
12 by the taxi to Plaintiff's home where he proceeded to smash the
13 doors, windows, walls, destroying the first floor of Plaintiff's home
14 and then went missing for three weeks and had hurt himself by self
15 inflicted injuries when he was found.

16
17 As a direct result of SPRING MOUNTAIN TREATMENT
18 CENTERS "PATIENT DUMPING" Plaintiff's windows were
19 boarded up and Plaintiff's next door neighbor warned Plaintiff that
20 neighbors on an adjacent street were holding meetings to "get rid of"
21 Plaintiff saying that I "was too crazy for the neighborhood" and that
22
23 "THE SZYMBORSKI'S ARE A BUNCH OF DANGEROUS
24 PSYCHOS AND WE MUST DO SOMETHING ABOUT IT".
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1 Soon after, these neighbors from the adjacent street started to parade
2 Past Plaintiff's house and vandalize his mailbox by hitting the
3 mailbox, stealing the mail, repeatedly shooting the mailbox and
4 having gardeners across the street throw rocks and hitting plaintiff's
5 mailbox of which Plaintiff videotaped.

6 Plaintiff called THE NORTH LAS VEGAS POLICE
7 DEPARTMENT several times but there was never a response to the
8 vandalism. This went on continually, and on May 22, 2014 U.S. P.S.
9 Postal Inspector Q.R. Valentine sent out a letter to everyone
10 in the neighborhood saying that it was a crime "to knowingly and
11 willfully obstruct or retard the passage of U.S. Mail, both of which
12 are federal felony offenses."

13 (See Exhibit C incorporated by reference

14 On May 14, 2014 I filed a Complaint against SPRING
15 MOUNTAIN TREATMENT CENTER raising various negligence
16 And malpractice claims related to the CENTER'S discharge of
17 SEAN. Senior Judge Joseph T. Bonaventure, and Joanna S. Kishner
18 Dismissed the complaint for failure to attach a medical expert
19 Affidavit. Plaintiff appealed The Nevada Supreme Court held that the
20 causes of action sounded in negligence rather than medical

malpractice and remanded the case for further proceedings in a much publicized related case "Brown verses Rawson Neal" Plaintiff's case was cited by James Brown's Attorneys in front of an all woman 11 member Jury and reportedly took less than three hours for them to decide to award 250,000 to each of the victims of "Patient Dumping" with the State of Nevada having to pay out approximately Forty Million Dollars (40,000,000.00). With this present case it is Plaintiff's Prayer that THE CITY OF NORTH LAS VEGAS AND THE NORTH LAS VEGAS POLICE DEPARTMENT will change their Discriminatory Policies and Procedures to come into compliance with THE AMERICANS WITH DISABILITIES ACT ("ADA") And thereby give Justice and Fair treatment to some of North Las Vegas's most vulnerable Citizens, The Mentally Ill.

(See Exhibit D. 403 PACIFIC REPORTER, 3d SERIES "Lee E. Szymborski, Appellant, v. SPRING MOUNTAIN TREATMENT CENTER; and Darryl Dubroca, in his official capacity, Respondents

On March 7, 2016 my son Sean showed up with his mother Diana

1 Thomson saying he wanted to live with me. I told his mother that
2 Sean destroyed the first floor of my home the last time he was staying
3 at my home. Sean had showed up about February 1st and was "Patient
4 Dumped" out of another psychiatric hospital, Monte Vista. He just
5 appeared on my front door very agitated and had the patient wrist
6 band still on. I managed to tell him to have his mother call me who
7 was waiting for him in her car and that we would work something
8 out.
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11
12 This time however I flat out refused to let Sean stay at my house and
13 Sean got mad and attacked me with pepper spray. I ran into my
14 garage and closed the garage door. At that point I knew my son was
15 in trouble because he is not capable of living by himself and needed a
16 "Legal 2000" hold placed on him so he could return to Monte Vista.
17 I called 311 to file a missing persons report and to press charges for
18 assault. Officer Navarro responded with Officer Sticauf . I told
19 Officer Navarro that I am disabled with a fractured skull and that I
20 am a Victim of Crime because Sean was convicted for Felony
21 Property Damage when he was dumped out of SPRING MOUNTAIN
22 TREATMENT CENTER. I told the officers that I wanted to press
23 charges for assault so I could be safe from further attack if they
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1 arrested him and, at least my son would be safe for the moment in
2 jail. I told the officers that my son had been put on a "Legal 2000"
3 hold many times before by THE NORTH LAS VEGAS POLICE
4 DEPARTMENT I needed to know where he was staying as he is not
5 capable of living independently, and that he is suicidal and a danger
6 to himself and others. I needed to know where he is so that I could
7 call Monte Vista to give him a safe place to stay and also to protect
8 my safety. The Officers were deliberately indifferent to me. They
9 refused to protect an elderly disabled Plaintiff and Plaintiff's
10 disabled son by not providing equal access to enforcement of clearly
11 established law. The Officers also had a duty to protect a Victim of
12 Crime from further harm under the Nevada NRS statutes. The
13 Officers refused to tell me where my son was living; that they know
14 where he is but adamantly refused give me the address.
15 The Officers acted with deliberate indifference to my safety and that
16 of my disabled severely mentally ill son. The Officers failed at
17 minimum to give a reasonable accommodation to both me
18 and my son. A reasonable Officer would have arrested my son for
19 assault and or at least given me my son's address so I could protect
20 him and also myself from harm. This event is just another example
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1 of a very long pattern of "Deliberate Indifference" by the Officers of
2 THE NORTH LAS VEGAS POLICE DEPARTMENT dating back to
3 May of 2013.
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8 On March 14, 2016 I was assaulted by a neighbor one street away
9 while I was riding my bicycle as part of my physical therapy for my
10 back condition a neighbor told me to "get your psycho ass off my
11 street" yelling other verbal expletives at me and started to pummel
12 me with rocks. I called the police and and Officer Centuolo told me
13 that I couldn't ride my bike on that street anymore and if I do I would
14 be arrested. The Officer denied me equal access to a public street. He
15 was deliberately indifferent to me when I explained that I have been
16 walking and riding my bike on that street for many years as part of
17 my physical therapy but he failed to even give me a reasonable
18 accommodation or arrest the neighbor for assault. This is after I
19 played the clear evidence in the video. The neighbor is a Convicted
20 Felon and and the Officer knew or should have known that the
21 neighbor was convicted for carrying a concealed weapon, attempted
22 possession of a stolen vehicle, Drug possession, burglary, domestic
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1 battery with use of a deadly weapon. The Officers conduct is not only
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4 not reasonable, the Officers conduct was malicious willful, wanton,
5 reckless, and grossly negligent. Officer Centuolo denied me equal
6 protection of the laws in violation of the Fourteenth Amendment and
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8 equal access to the enforcement of the laws because he discriminated
9
10 against me because of my physical disability and failed to give me a
11 reasonable accommodation in violation of THE AMERICANS
12 WITH DISABILITIES ACT. The Officers conduct "shocks the
13
14 conscious"!

15 (incorporated by reference Exhibit D-March 14, 2016 videotape of
16 Assault shown to Officer Centuolo Case # 4650 Badge # 1247 and
17 arrest history of neighbor)
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21 Not surprisingly, my son Sean was charged with first degree murder
22 By THE NORTH LAS VEGAS POLICE DEPARTMENT on March
23 18, 2016 , less than two weeks after Officers Navarro Badge #2418
24
25 and Officer Sticauf Badge # 2416 acted with "Deliberate
26 Indifference" in violating THE AMERICANS WITH DISABILITIES
27 ACT ("ADA") AND "CLEARLY ESTABLISHED LAW resulting
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1 in the deprivation of Plaintiff's civil Rights .

2 THE NORTH LAS VEGAS POLICE DEPARTMENT had a duty to
3 put a "legal 2000" hold on my son Sean because he was suicidal and
4 "a danger to himself and others". THE NORTH LAS VEGAS
5 POLICE DEPARTMENT knows my son is "A Legal" according to
6 Officer Rose and had put a "Legal 2000" on at least six occasions of
7 which I have record of and have attached them as an exhibit.
8

9 Channel 8 news Anchor Brittany Edney televised her report
10 "Determining when a "Legal 2000" hold should be applied. Michael
11 Adams Vice President of clinical operations, Solutions Recovery
12 stated that one key piece in determining a "Legal 2000" hold is that
13 "those threats must be a result of a major mental illness" and my son
14 Sean suffers from severe mental illness since he was six years old.
15

16 The complete failure of the duty of THE NORTH LAS VEGAS
17 POLICE DEPARTMENT to put a "legal 2000" on my son **directly**
18 **contributed** to the death of 55year old Peter Stebbins, a dockworker
19 employed by The Las Vegas Review Journal.
20

21 MOREOVER, Plaintiff has secured the videotaped testimony of
22 Quenton Saldano who was one of the victims and **was adamant** that
23

24 Peter Stebbins death was caused by THE NORTH LAS VEGAS
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1 POLICE DEPARTMENT'S failure to put a "Legal 2000" on my son.
2 Furthermore, Ramon Emanuel who was one of the Security Guards
3 Craig Johnson the landlord hired to protect him and the other
4 roommates from my son. He stated that the violence could have been
5 prevented had NORTH LAS VEGAS POLICE acted two days prior
6 to the homicide.
7

8
9 Ramon Emanuel says that the suspect, SZYMBORSKI, started
10 threatening suicide early Wednesday morning. Emanuel said
11 SZYMBORSKI also threatened to kill his roommates and any police
12 officers who tried to intervene.
13

14 Emanuel said that once he heard the threats, he followed protocol and
15 called security dispatch and North Las Vegas Police. Emanuel said he
16 also recorded SZYMBORSKI'S threats and even **PLAYED THE**
17 **VIDEOTAPED CLEAR EVIDENCE FOR THE OFFICERS!**
18

19 Defendant THE CITY OF NORTH LAS VEGAS and Defendant
20 THE CITY OF NORTH LAS VEGAS POLICE DEPARTMENT'S
21 complete and utter failure to implement and enforce policies and
22 procedures which address the obvious and elementary needs on the
23 mentally ill citizens of North Las Vegas requiring protection from
24 harm as in the failure of Officer Navarro and Officer Sticauf to
25
26
27
28

1 protect Plaintiff from his son, Sean on March 7, 2016, and the failure
2 of THE CITY OF NORTH LAS VEGAS AND THE NORTH LAS
3 VEGAS POLICE DEPARTMENT'S FAILURE require rudimentary
4 training in the identification of when to place a "Legal 2000" hold on
5 suicidal and homicidal gravely mentally ill residents of the City, and
6 due to these non existent policies and inadequate training to perform
7 a Self-Evaluation and Transition Plan in situation that pertain to the
8 civil rights of people with Mental Disabilities , Defendant's are in
9 violation of The American;s With Disabilities Act ("ADA") and
10 Plaintiff seeks damages for the **Loss Of Consortium** of his beloved
11 youngest Son, Sean Thomas Szymborski as Sean was Committed by
12 District Judge Jennifer Togliatti to the State Mental Hospital, Lakes
13 Crossing, because of his **GRAVE MENTALL ILLNESS!**
14 (See Exhibit E Sean Szymborski Homicide, "Legal 2000" Hold, Order
15 Of Commitment incorporated by reference)
16 (Incorporated by Reference Exhibit F Videotaped Testimony Of
17 Quenton Saldano)
18 **THE CITY OF NORTH LAS VEGAS AND THE CITY OF**
19 **NORTH LAS VEGAS POLICE DEPARTMENT CRIMINALLY**
20 **AID AND ABET, AND PROTECT A PUBLIC AND PRIVATE**

**NUISANCE COMMERCIAL DOG KENNEL LOCATED
RIGHT BEHIND PLAINTIFF'S HOUSE AND PROPERTY
RESULTING IN ONGOING VIOLATIONS OF PLAINTIFF'S
CIVIL RIGHTS AND ONGOING VIOLATIONS OF THE
AMERICANS WITH DISABILITIES ACT ("ADA")**

Barbara Cutolo who lives at 4604 Cattleman Avenue North Las Vegas Nevada owns a Commercial Dog kennel where she breeds Jack Russel Terriers on the East side of her property and breeds large show Poodles on the west side of her property.

The Commercial Kennel is not allowed in Palomino Estates and the Covenant Codes and restrictions strictly prohibit it "Domestic dogs shall not be bred or raised thereon for commercial purposes."

Since on or about April 14, 2015 Barbara Cutolo has deprived Plaintiff of the quiet enjoyment of his property by repeatedly harassing Plaintiff with very loud explosive barking of several dogs in her kennel.

The very loud and explosive barking starts as early as 5 Am in the morning and at times is as late as 11 p.m. in violation of both the State of Nevada Nuisance Statute Chapter 10.36.010 and THE CITY OF NORTH LAS VEGAS PUBLIC NUISANCE ORDINANCE

1 “Every place wherein: Excessive or prohibited noise originates
2 **is a public nuisance.**

3
4 Barbara Cutolo has also erected very bright lights aimed directly at
5 Plaintiff’s house from the back yard at eye level causing extreme
6 pain to Plaintiff’s eyes being so bright as to light up Plaintiffs upstairs
7 second floor master bedroom.
8

9 Plaintiff is disabled with legall blindness in his right eye and has a
10 fractured skull.
11

12 The lights prevent Plaintiff from the quiet enjoyment of his backyard
13 at night and prevent him from outside physical therapy on his
14 backyard porch where he has physical therapy devices for his
15 herniated discs and lower back pain.
16
17

18 Thus, Ever since April of 2015, Barbara Cutolo’s
19 Commercial Dog Kennel has prevented and or interfered with
20 Plaintiff’s use and enjoyment of his own property.
21
22

23 On May Ninth 2016, I was riding home on my bicycle from shopping
24 at Albertson’s on 4850 West Craig Road Las Vegas. As I was riding
25 down Chuck Wagon Road I was unreasonably stopped and searched
26 by two officers, one of them being W. Silva Badge # 1276.
27
28

1 The Officers used excessive force by handcuffing me. The handcuffs
2 caused excruciating pain in my lower back and the muscles started to
3 spasm.
4

5 The Officers lied under Color of Law that Barbara Cutolo called the
6 Police and said I was shooting her dogs. The reason they are lying is
7 that I have a videotape of Sargent Ryan saying he was there on this
8 night and that "someone called in just saying there were gunshots in
9 the area. No one ever said it was you Lee."
10

11 (see Exhibit G "Videotape of Sargent Ryan" incorporated by
12 reference)
13
14

15 Officer Silva harassed me and caused me to go into panic attacks.

16 He made fun of my mental illness saying How come you think your
17 Jon Voight? Why you look like Jon Voight in your Nevada I.D.
18

19 picture Lee, HUH? The other officer said "How much do you make
20 on your disability check?" while I was still handcuffed and refusing
21 to unhandcuff Plaintiff. Officer Silva the violated my civil rights by
22 demanding that I give him the keys to my house so he could illegally
23 search my home in direct violation of the Fourth and Fourteenth
24 Amendment.
25

26
27 Officer Silva violated THE AMERICANS WITH DISABILITIES
28

1 ACT by not providing effective communication to a Qualified
2 disabled individual and by Discriminatory Animus making fun of
3 Plaintiff's mental disability and failure to provide a reasonable
4 accommodation by handcuffing Plaintiff.
5

6 Suddenly several gunshots were fired in the vicinity of Gunsmoke
7 Circle (aptly named) and Officer Silva told me to duck behind the
8 patrol car. He still did not take the handcuffs off. Several more squad
9 cars arrived . the officers all took out their shotguns and headed
10 towards Gunsmoke Circle. Officer Silva then took off the handcuffs
11 and ordered me out of the neighborhood.
12

13 On January 29, 2016 I was assaulted by a neighbor on Gunsmoke
14 Circle yelling "get your sick nutty ass off my street." When I told him
15 it was a public street he said "wait right there" and ran into his large
16 metal shed and then charged at me with a loaded 45 caliber pistol . I
17 took off for my house two blocks away with him running right behind
18 me saying "Im headed your way." He shouted as he ran after me
19 "don't turn that bike around. " I managed to get home and went into
20 my garage as he ran across my front yard and told my next door
21 neighbor "we have to do something about that crazy nut."
22

23 I called 911 and several officers showed up with Officer Manning
24
25
26
27
28

1 badge # 2515. One of the Officers lunged at me but I did not engage
2 him. I cannot be an aggressor in a fight because a blow to my head
3 would most likely be fatal. The officers said that I could not go on
4 that street anymore saying "they don't want you on their street" and if
5 Plaintiff does he would be arrested.
6

7
8 This is just another life threatening encounter to where THE NORTH
9 LAS VEGAS POLICE DEPARTMENT have engaged in a long
10 pattern of "Deliberate Indifference" to Plaintiff's Civil Rights and
11 violated THE AMERICANS WITH DISABILITIES ACT by not
12 making a reasonable accommodation, engaging in a long pattern of
13 irrational discrimination, excluding a Qualified disabled individual
14 equal access to a city street due to irrational discrimination of
15 Plaintiff's mental illness constituting cruel and unusual punishment in
16 violation of the Eighth Amendment and denial of equal protection of
17 the laws in violation of the Fourteenth Amendment.
18

19 (See Exhibit H Video of Sargent Ryan incorporated by reference)
20

21 On May 18, 2016 Barbara Cutolo was ordered to attend a mandatory
22 mediation hearing to resolve the nuisance noise violations by her
23 barking dogs. She not only refused to go she violently and criminally
24 retaliated against me by yelling and screaming at me every time I go
25
26
27
28

1 near the back wall of my property which is one half acre.

2 On May 29, 2016 as I was walking in my own backyard Barbara
3 Cutolo yells "get away from my wall get away from my wall ok that's
4 it I am going to call the Police. When I told her that's my wall on my
5 side of the property she yells "go take the wall and shove it up your
6 ass, go take the wall and shove it up your ass" go fuck yourself, go
7 fuck yourself" Then she orders one of her dogs to attack me "go get
8 him Delta"
9

10 I called the Police to press charges for assault and videotaped this
11 encounter. Officer Eric Spanbauer Badge #1668 arrives . Officer
12 Spanbauer previously was asked to resign for unprofessional conduct
13 and unsatisfactory work performance and was placed on
14 administrative leave by the THE NORTH LAS VEGAS POLICE
15 DEPARTMENT for making sexually inappropriate comments to a
16 female driver when he accompanied the driver to her residence from a
17 complaint by her Husband. Dave Smith , President of the NORTH
18 LAS VEGAS POLICE DEPARTMENT ASSOCIATION TOLD
19 Spannbauer that it was in his best interest to resign as no law
20 enforcement agency agency could look at Spanbauers file in regard to
21 future employment . On November 7,2005 Spanbauer resigned .
22
23
24
25
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28

1 Somehow Spanbauer got back on the force and here he is at my door.
2
3 Spanbaur lied under color of law and said that he had seen Barbara
4 Cutolo's video and that I am the one screaming and yelling. When I
5 told him I have the video and offered to play it for him he "snapped"
6 and started yelling at me saying "what angle of camera would you
7 would you show me that would be different .He then failed to arrest
8 Cutolo for assault of eventaking a report of which any other
9 reasonable officer would do.
10

11
12 He then declared that I am a nuisance and that he will put me on the
13 Police computer for being a nuisance and if I yell and scream at the
14 neighbors again I will be arrested under color of law . he failed in his
15 Duty to protect the personal safety of a Qualified disabled person
16 whom he knows may be attacked by Barbara Cutolos dogs and that is
17 a denial of equal protection of the laws and is actionable under section
18 1983. Officer Spanbauer failed to perform a statutorily imposed duty
19 to enforce the laws equally and fairly, and thereby denied Plaintiff
20 equal protection by conspiring to violate Plaintiff's civil Rightsin a
21 knowingly and willfull manner causing harm to Plaintiff. Spanbauer
22 also violated THE AMERICANS WITH DISABILITIES ACT by
23 denying plaintiff equal access to the enforcement of laws and by
24
25
26
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28

1 denying Plaintiff a reasonable accommodation through deliberate
2 indifference. Spanbauer actions caused Plaintiff to be later arrested
3 twice for being a nuisance when engaged in legal activity calling to
4 enforce the noise ordinance.
5

6 (See EXHIBIT I May 29,2016 VIDEOTAPE of Assault by Barbara
7 Cutolo and Videotape of Officer Spanbauer responding incorporated
8 by reference)
9
10

11
12 Continuing the long pattern of a conspiracy policy to carryout ,
13 implement a pattern of unconstitutional irrational discrimination
14 against citizens of North las Vegas with mental illness Sargent Ryan
15 responded to my home when I called to put a formal complaint on
16 officer Spanbauer. Sargent Ryan refused to see the videotape of the
17 Assault and refused to see the videotape of officer Spanbauer
18 acting under color of law. He then harassed me for being mentally
19 ill.he said that I am so nuts as to think dogs go through walls .
20
21 “Explain to me how dogs go through walls Lee, explain to me how
22 dogs go through walls” and browbeat me over this causing Plaintiff to
23 have a severe panic attack. Sergeant Ryan refused to take a formal
24 complaint and said that I have been warned ;that I am a nuisance
25
26
27
28

1 which clearly illustrated the irrational discrimination policy and non
2 compliance with THE AMERICANS WITH DISABILITIES ACT
3 and the now obvious need for a self-evaluation and transition plan .
4
5 (See Exhibit H Videotape of Sargent Ryan) incorporated by reference.

6
7 **THE CITY OF NORTH LAS VEGAS ANIMAL CONTROL**
8 **WEBSITE**

9 The City of North Las Vegas Animal Control Division Website
10
11 Boldly states "Protecting the health, safety and welfare of residents
12 and animals in North Las Vegas Communities"

13 The website instructs residents to contact dispatch for animal control
14
15 Noise complaints. Moreover the website clearly states "How does
16 animal control handle animal noise annoyance complaints?"

17
18 Our second response to the same complaint would result in a stern
19 warning to monitor their animals.

20 The third response would result in a mandatory mediation hearing .

21 A fourth complaint would result in a signed formal complaint from
22 the complaining party and the Animal Control Officer.

23
24 (SEE EXHIBIT H THE CITY OF NORTH LAS VEGAS ANIMAL
25 CONTROL WEBSITE) ATTACHED TO COMPLAINT

26 Since August 2016 THE CITY OF NORTH LAS VEGAS,
27
28

1 THE CITY OF NORTH LAS VEGAS POLICE DEPARTMENT
2 AND THE CITY OF NORTH LAS VEGAS ANIMAL CONTROL
3 HAVE REPEATEDLY VIOLATED THE CIVIL RIGHTS OF
4 PLAINTIFF, A QUALIFIED DISABLED INDIVIDUAL UNDER
5 TITLE 11 OF THE ("ADA") AND UNDER SECTION 504 .
6
7

8 Violations include but are not limited to the following;

- 9
- 10 1. FAILURE TO PROVIDE EQUALL ACCESS TO PLAINTIFF IN
11 ENFORCING THE NOISE ORDINACE
 - 12 2. FAILURE TO REASONABLE ACCOMMODATE
13 PLAINTIFF'S PANNIC ATTACKS CAUSED BY LOUD
14 EXPLOSIVE NUISANCE DOG BARKING IN CALLING
15 ANIMAL CONTROLL DISPATCH
16
 - 17 3. FAILURE TO PROVIDE EFFECTIVE COMMUNICATION TO
18 DISABLED PLAINTIFF IN ENFORCING THE NUISANCE
19 NOISE ORDINANCE
20
 - 21 4. FAILING TO PREVENT RETALIATION BY OFFICER DALE
22 SMOCK IN PUTTING A COMPLAINT DEMAND LETTER
23 CONCERNING OFFICER DALE SMOCKS REFUSAL TO
24 ENFORCE THE NOISE ORDINANCE DUE TO IRRATIONAL
25
26
27
28

1 DISCRIMINATORY ANIMUS TOWARDS PLAINTIFF'S
2 REAL OR PERCEIVED MENTAL DISABILITIES.

3
4 5. FAILURE TO PROVIDE PLAINTIFF EQUALL ACCESS TO
5 THE MUNICIPAL COURT SYSTEM.
6

7 During the month of August , Plaintiff suffered great mental anguish
8 by the barking of Barbara Cutilos dog but dispatch chose to ignore
9 Plaintiff's calls and verbally harassed and made fun of Plaintiff 's
10 mental Disorder saying Is this Lee Calling ? and laughing at Plaintiff.
11

12 On August 25 2016 Plaintiff was engaged in lawful activity of
13 calling dispatch to enforcethe Nuisance Noise Ordinance when
14 dispatch told Plaintiff not to call anymore. Plaintiff is a Homeowner,
15 pays taxes to the City and has every right to equal enforcement of the
16 laws.
17

18
19 However THE CITY OF NORTH LAS VEGAS POLICE
20 DEPARTMENT engaged in an official custom , policy or practice
21 that was and is deliberately indifferent , engaging with evil motive and
22 intent and conspiracy by Having Officer Rose come out and
23 unlawfully arrest Plaintiff for being a nuisance in direct violation of
24 clearly established law.
25
26

27 Officer Rose taunted plaintiff and showed irrational discriminatory
28

1 animus towards plaintiff's mental disability by saying "you see flying
2 saucers ' your really nuts". Officer Rose lied on the citation in what
3 amounts to a continuing conspiracy cover up saying that I was
4 calling to file a civil complaint when the truth is I was calling on a
5 criminal violation of the State and Local Nuisance noise ordinance.
6
7 Barbara Cutoles barking dogs are a nuisance , not the Plaintiff. The
8 Plaintiff is a victim. The officers actions were despicable, under color
9 of law and shocks the conscious.
10

11
12 Plaintiff had to spend the night in jail with violent criminals and the
13 city made no attempt to reasonably accommodate Plaintiff's
14 disabilities causing Plaintiff severe emotional and physical pain.

15
16 SEE EXHIBITJ-NUISANCE ARREST BY OFFICER ROSE
17
18 INCORPORATED BY REFERENCE

19 On September 06, 2016 Plaintiff was brutally attacked and run over
20 by a Convicted felon neighbor and accomplice who lives on Dusty
21 Trail Avenue. Please see details on page 6-9.

22
23 On September 13 2016 the same assailants that ran Plaintiff over on
24 August 6 2016 ran over Plaintiff's mailbox while Plaintiff watched
25 through the home office window. Officer Colwell responded but was
26 deliberately indifferent to the safety of disabled Plaintiff and no
27
28

1 arrest was made despite showing the officer the video of the same
2 assailants running **PLAINTIFF** over one month prior, witness
3 account and the tire tracks of the white Ford Explorer . The Officer
4 had a clear duty to protect a victim of crime from the same assailant
5 and to not discriminate in enforcing the law..
6
7

8 (SEE EXHIBIT K OF PLAINTIFF'S RUN OVER MAILBOX
9 INCORPORATED BY REFERENCE
10

11 On September 17 the same assailant that ran me over on September 6
12 2016 assaulted me again by trying to run me over **full throttle** in his
13 white Ford Explorer. I put a in Police report at the Civic center
14 headquarters taken by Officer j Okama but no action was taken This
15 was just another life threatening situation to where THE NORTH LAS
16 VEGAS POLICE DEPARTMEENT just let it continue with their
17 policy and procedures that excluded mentally ill Plaintiff from equal
18 **participation** in enforcing clearly established law violating the
19 ("ADA")
20
21
22

23 On September 25 2016 the same assailant that ran Plaintiff over on
24 September 6 2016 came onto Plaintiff's property and stole vintage
25 bicycles and vintage bicycle parts. Plaintiff showed the responding
26 Officer R Sherburne Badge # 1959 incident 160929016781 a video of
27
28

1 the assailant now robber coming onto Plaintiff's property with a gun
2 in his hand and then leaving Plaintiff's property with a bicycle wheel
3 in his hand while smoking a cigarette. This horrific event is just
4 another episode in THE CITY OF NORTH LAS VEGAS POLICE
5 DEPARTMENTS unlawful policy and practice of permitting its
6 Officers to act under color of law with deliberate indifference to the
7 safety of a 30 year mentally and physically disabled resident
8 exposing a victim of crime by the same assailant now robber to
9 continue to commit Felony Grand Theft on plaintiff's property. The
10 non-action of Officer Sherbourne **"shocks the conscious"**
11 (SEE EXHIBIT L GRAND THEFT VIDEO INCORPORATED BY
12 REFERENCE)
13

14 On October 23, 2016 the same assailant /robber ran over my mailbox
15 **again and completely flattened it backing up screeching his tires**
16 **of his white Ford Explorer.** Officer Silva responded and refused to
17 arrest the assailant robber even with the tire marks that would match
18 up to the vehicle. Instead he acted with deliberate indifference and
19 told me that "You can put the mailbox back up" Officer Silva then
20 told me that I am a nuisance and the police are sick of me calling
21 thereby denying a Qualified disabled person **equal** access to
22
23
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1 enforcement of clearly established law in violation of the ("ADA").

2 On October 10,2016 Officer Silva appears again with Officer
3 Spanbauer. The same assailants that ran me over on September 6 2016
4 premeditatedly tried to run me over again as I was headed west on
5 Black Stallion Avenue on route to go shopping at Albertsons and
6 right after they closely missed Plaintiff they pulled up in front of
7 plaintiff's house. Plaintiff called 911 and was instructed to call 311
8 when Plaintiff was returning from shopping at Albertsons. Upon
9 return Plaintiff followed directions from dispatch and called 311 and
10 waited for officers to arrive. When Officer Silva and Officer
11 Spanbauer arrive Plaintiff played several videos of assailants previous
12 attacks which were met by deliberate indifference of the Officers
13 . When Plaintiff told Officer Silva that any reasonable officer would
14 go out and make an arrest, Officer Silva "snapped" and said "step
15 outside Lee" and proceeded to give me a nuisance citation under color
16 of law. Officer Spanbauer was him and was startled by a video
17 camera that turned on do to its motion activated capability.
18 This was legal conduct in a life threatening Assault with a
19 deadly weapon ; a car tried to run plaintiff over; Officer Silva
20 deliberately under color of law **falsified** the citation saying that
21
22
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1 Plaintiff was calling on instances that were not criminal wasting time
2 and resources. Officer Silva and Officer Spanbauer's non action

3
4 **"shocks the conscious.!"**

5 (SEE EXHIBIT L NUISANCE CITATION OCTOBER 10 2016
6 INCORPORATED BY REFERANCE)
7

8 On January 11, 2017 Plaintiff was unlawfully seized and detained by
9 being arrested while engaged in lawful activity as directed on THE
10 NCRTH LAS VEGAS POLICE DEPARTMENT ANIMAL
11 CONTROL WEBSITE to call animal Control Dispatch due to
12 explosive Nuisance barking pertaining to Barbara Cutilos barking
13 dogs, to enforce the Nuisance Noise ordinance. Plaintiff was
14 suffering panic attacks as the loud explosive barking exacerbate
15 Plaintiff's severe anxiety. The arresting officer kept making fun of
16 and harassing Plaintiff by saying "you see flying saucers" you see
17 flying saucers don't you Lee" On the way down Owens Avenue
18 Officer Snyder and the other arresting officer encouraged Plaintiff to
19 yell at the homeless people camping out on the street. "Go ahead and
20 yell at them Lee Go ahead and yell"
21

22 The Officers under color of law falsified the arrest citation saying that
23 Plaintiff "did willfully and unlawfully maintain a public nuisance by
24
25
26
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1 calling police 11 times in less than one hour for a barking dog . The
2 arresting Officers know that Plaintiff was calling on the Commercial
3 Dog Kennel and failed to give Plaintiff a reasonable accommodation
4 for his panic attacks due not only as a result of the barking dogs but
5 the deliberate indifference to Plaintiff's mental disability by the
6 refusal of THE NORTH LAS VEGAS POLICE DEPARTMENT to
7 dispatch Animal Control in direct violation of THE AMERICANS
8 WITH DISABILITIES ACT and furtherance of a conspiracy to
9 deprive Plaintiff of his civil rights guaranteed and protected under 42
10 U.S.C\$ 1983 and the fourth, eighth , and fourteenth Amendments as
11 well as under Monell liability where the above described policies and
12 /or customs demonstrate a deliberate indifference on the part of
13 Defendants THE CITY OF NORTH LAS VEGAS AND THE
14 NORTH LAS VEGAS POLICE DEPARTMENT to the
15 Constitutional rights of United States Citizens , and were the cause of
16 the violations of plaintiff's rights alleged herein.

17 (SEE EXHIBIT M, JANUARY 11, 2017 ARREST CITATION,CITY
18 ATTORNEY COMPLAINT ATTACHED)

19 As a direct result of a furtherance of a Conspiracy to deprive Plaintiff
20 Of his civil rights DEPUTY CITY ATTORNEY Kimberly Phillips
21

1 Engaged in a malicious ,willfull,wanton,recklessor grossly negligent
2 Act by filing a complaint and prosecuting Plaintiff for allegedly
3 driving over to a neighbors house and yelling and screaming "THEY
4 ALL MUST DIE,DIE, DIE!"

5
6 First of all ,the neighbor lives right across the street from Plaintiff.
7
8 Plaintiff has called Animal Control dispatch numerous times with no
9 response so as to neighbors loud barking dogs of which Plaintiff has
10 **videotaped** and the neighbor has his dogs bark solely to harass
11 Plaintiff and to **"Breach the peace and quiet enjoyment of Plaintiff**
12 **Property on a daily basis!**

13
14 Plaintiff has filed several Police reports as far back as 2012 on this
15 Neighbor and his nuisance breach of peace barking dogs. The
16 neighbor retaliated against Plaintiff for calling Animal Control in th
17 e past by putting in this false Police report.

18
19 Moreover ,on October 4, 2017 this same neighbor assaulted Plaintiff
20 with a deadly weapon by trying to run plaintiff over in his red Dodge
21 pick up truck. This life threatening incident was witnessed by Richard
22 Young and testified to the Complaint intake Officer at the Civic
23 Center Drive Police Department location. Despite a very credible
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1 witness his father having been the Chief of Police in Eastport
2 Maine, **no action at all** was taken by either THE CITY OF NORTH
3 LAS VEGAS POLICE DEPARTMENT or THE CITY OF NORTH
4 LAS VEGAS CITY ATTORNEY OFFICE.
5

6 (SEE EXHIBIT N- POLICE REPORT AND WITNESS
7 STATEMENT)
8

9 On April 24, 2017 and July 31,2017 THE CITY OF NORTH LAS
10 VEGAS CITY ATTORNEY was served by an independent party ,
11 “DEMAND TO SETTLE DAMAGES AND INJUNTIVE RELIEF “
12 Fashioned in the form of a Complaint.
13

14 In the Demand Complaints Plaintiff informs THE CITY OF NORTH
15 LAS VEGAS that he is permanently mentally and physically disabled
16 and that the barking of Barbara cutolos dogs cause Plaintiff “severe
17 mental torment and severe panic attacks.” Plaintiff informed the
18 CITY OF NORTH LAS VEGAS that the City is perpretating
19 “CRIMINAL FRAUD AND THAT THIS WILLFULL AND
20 DELIBERATE DISREGARD FOR THE RIGHTS OF THE
21 PLAINTIFF WAS DONE MALICIOUSLY AND IN BAD FAITH
22 AND WITH HOSTILITY RESULTING IN VIOLATIONS UNDER
23
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1 TITLE 11 OF THE AMERICANS WITH DISABILITIES ACT AND
2 SECTION 504.

3
4 Here THE CITY OF NORTH LAS VEGAS is engaging in
5 “PROHIBITED RETALIATION” of THE AMERICANS WITH
6 DISABILITIES ACT because Plaintiff made a charge against THE
7 CITY OF NORTH LAS VEGAS violating provisions of THE
8 AMERICANS WITH DISABILITIES ACT AND SECTION 504.
9
10 And that THE CITY OF NORTH LAS VEGAS by charging plaintiff
11 with this “laughable” offense not only interfering with Plaintiff’s
12 right to the quiet enjoyment of his property and Civil Rights but due
13 to the Cities Policy of discriminatory animus towards its mentally ill
14 citizens and to those associated with them.
15

16
17
18 (SEE 28 C.F.R. §35.134)

19 This charge clearly illustrates the now obvious need to perform a
20 SELF-EVALUATION AND TRANSITION PLAN to change the
21 existing policies of “Irrational Discrimination” and “Stereotyping” of
22 Plaintiff’s Mental Illness and the mental illness of the Cities
23 mentally ill population. In an analogy, Plaintiff is not the Psychotic
24 Jack Nicholson character in “The Shining.” The false allegations that
25 Plaintiff yells “THEY ALL MUST DIE,....DIE,DIE,DIE” clearly
26
27
28

1 illustrates the current CITY OF NORTH LAS VEGAS POLICY OF
2 **STEREOTYPING** MENTALLY ILL RESIDENTS OF THE
3
4 CITYAND AND THE OBVIOUS NEED TO CHANGE THESE
5
6 POLICIES TO COME INTO COMPLANCE WITH THE
7
8 AMERICANS WITH DISABILITIES ACT (“ADA”)
9
10 (SEE EXHIBIT N 30 DAY DEMAND 04/24/2017 AND 07/31/17
11 ATTACHED)

12 **NORTH LAS VEGAS MUNICIPAL COURT JUDGE**

13 **SEAN HOEFFGEN**

14 **REFUSED TO APPOINT PUBLIC DEFENDER FOR**
15 **MENTALLY ILL PLAINTIFF; VIOLATES SIXTH**
16 **AMENDMENT, THE AMERICANS WITH DISABILITIES**
17 **ACT (“ADA”), THE FOURTH, EIGHTH, AND**
18 **FOURTEENTH AMENDMENTS TO THE UNITED STATES**
19 **CONSTITUTION AND MALICIOUSLY PROSECUTES**
20 **PLAINTIFF TO FURTHER THE WISHES OF THE NORTH**
21 **LAS VEGAS CITY PROSECUTOR AND THE CITY OF**
22 **NORTH LAS VEGAS POLICE DEPARTMENT**

23
24
25
26 On July 31, 2017 a Trial for Plaintiff engaging in lawful conduct to
27
28

1 follow clearly established law and direction on THE CITY OF
2 NORTH LAS VEGAS ANIMAL CONTROL WEBSITE,
3
4 Plaintiff was denied the right to counsel , a Public Defender in direct
5 violation of the Sixth Amendment and violations of the ADA by
6 refusing to provide mantally disable plaintiff equall access to the
7 programs, services or activities of THE CITY OF NORTH LAS
8 VEGAS by Judge Hoeffgen. Plaintiff was maliciously given two
9 maximum consecutive sixth month sentences. Judge Hoeffgen **knows**
10 that Plaintiff suffers from severe mental illness as Plaintiff attached
11 all of his Social Security Disability letters and Doctors reports on his
12 Application for a public Defender of which the Judge reviewed.
13
14 JUDGE SEAN HOEFFGEN knows Plaintiff has no experience at
15 all in Criminal Law and knew of should have known that due to
16 Plaintiff's mental impairments he is not capable of communicating
17 effectively in a Court setting.
18
19 Furthermore, JUDGE SEAN HOEFFGEN refused to let Plaintiff's
20 witnesses testify on his behalf, thereby denying Plaintiff Defendant's
21 right to use the compulsory process of the judiciary to subpoena
22 witnesses who could provide exculpatory testimony and have other
23 information that is favorable to the defense.
24
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1 **JUDGE SEAN HOEFFGEN** refused to allow clear videotaped
2 **evidence of Officer Spanbauer** acting under color of law putting
3 Plaintiff on the Police computer when Plaintiff called Police when
4 Barbara Cutolo ordered one of her dogs "DELTA" to attack Plaintiff
5 while Plaintiff was in his own backyard and clearly on the videotape
6 she is guilty of Assault beyond a reasonable doubt. **JUDGE SEAN**
7 **HOEFFGEN** also refused to let Plaintiff play the videotapes
8 showing clear evidence that Barbara Cutolo's Commercial Dog
9 Kennel is both a Public and Private Nuisance; Of which Plaintiff
10 brought his extensive CD collection of the Nuisance Dog Barking
11 with him during the trial.

12 (SEE EXHIBIT M 2016, 2017, 2018, 2019 CD COLLECTION OF
13 BARBARA CUTOLO'S EXPLOSIVELY BARKING DOGS FROM
14 HER COMMERCIAL DOG KENNEL INCORPORATED BY
15 REFERENCE)

16 **JUDGE SEAN HOEFFGEN** has already been **REPRIMANDED**
17 **WITH THE** NEVADA STATE COMMISSION ON JUDICIAL
18 **DISCIPLINE FOR FOUR COUNTS** OF JUDICIAL
19 **MISCONDUCT INCLUDING A FAILURE TO REPORT**

1 **SUSPENDED AND BARRED JUDGE CATHERINE**
2 **RAMSEY'S MISCONDUCT AND FOR TAKING POSITIONS**
3 **THAT WERE" IMPROPERLY BASED ON HIS PERCIEVED**
4 **DESIRES OF THE NORTH LAS VEGAS CITY MAYOR OR**
5 **THE CITY , INSTEAD OF THE BEST INTEREST OF THE**
6 **COURT, according to the statement.**

7
8
9 **JUDGE SEAN HOEFFGEN WAS ALSO REPRIMANDED FOR**
10 **GOING BACK ON AN AGREEMENT WITH RAMSEY TO**
11 **LET HER BECOME Chief Judge and also failing to cooperate**
12 **with her in dealing with the courts administration.**

13
14
15 **(SEE EXHIBIT N "NORTH LAS VEGAS JUDGE BARRED**
16 **FROM RE-ELECTION RUN,SUSPENDED WITHOUT PAY"**
17 **INCORPORATED BY REFERENCE)**

18
19 **JUDGE SEAN HOEFFGEN** has acted with discriminatory animus
20 towards Plaintiff's gravely mentally ill son, Sean T. Szymborski by
21 refusing to provide a MENTAL HEALTH EVALUATION which
22 was on calendar December 20th, 2012 despite documentation that
23 Plaintiff's son was on Trilantyl, Seraquil, Wellbutrin, and Prosac, had
24 been previously hospitalized at the STATE OF NEVADAS'S
25 MENTAL HOSPITAL RAWSON NEAL.
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1 The complete failure of JUDGE SEAN HOEFFGENS actions
2 contributed to the very preventable death of THE LAS VEGAS
3 REVIEW JOURNAL'S DOCKWORKER, PETER STEBBINS.
4 Plaintiff was to go forward with Guardianship with his son at Family
5 Court and "A Certificate Of Mental Incompetency" is required.
6 Plaintiff would have placed his son Sean in long term treatment as an
7 inpatient in a Psychiatric facility thus not only protecting his son
8 from harm, but protecting **PUBLIC SAFETY**.

9 **JUDGE SEAN HOEFFGEN ALSO THREATENED TO PUT**
10 **PLAINTIFF IN JAIL FOR CALLING HIS CHAMBERS SIMPLY**
11 **TO ALERT THE JUDGE THAT AS A LOVING FATHER**
12 **THAT HIS BELOVED SON SEAN WAS A DANGER TO**
13 **HIMSELF AND OTHERS AND TO PROTECT PUBLIC SAFETY.**
14 **(SEE EXHIBIT O- MOTION TO PLACE ON CALENDER FOR**
15 **MENTAL EVALUATION AND POSSIBLE WITHDRAWEL OF**
16 **PLEAS INCORPORATED BY REFERANCE)**

17 **JUDGE SEAN HOEFFGEN** also allowed Public Defenders to
18 mock and make fun of Plaintiff's mentally ill family by allowing a
19 skit called "THE CRAZY SZYMBORSKI'S to take place where the
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1 Public Defenders stumbled around acting as if they were mentally
2 retarded.

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4 **JUDGE SEAN HOEFFGEN** also violated THE AMERICANS
5 WITH DISABILITIES ACT by **excluding** a Qualified disabled
6 North Las Vegas City Resident from **equal services and exclusion**
7 **from its Public Defender Program**, by singling out Plaintiff and
8 other mentally ill residents by treating them differently than other
9 city residents; with **deliberate indifference** to Plaintiff's Civil Rights
10 and the mentally ill population of North Las Vegas, and denial of
11 Plaintiff's Constitutional and the mentally ill population of North Las
12 Vegas's Right To Equal Protection of the laws in violation of The
13 Fourteenth Amendment constituting denial of Due process of Law in
14 Violation of the Fourteenth Amendment to the U.S. Constitution and
15 causing severe harm to Plaintiff and the mentally ill residents of
16 North Las Vegas by cruel and unusual punishment in violation of the
17 Eighth Amendment To the U.S. Constitution by the hand of

18
19 **JUDGE SEAN HOEFFGEN WHO IS A POLICYMAKER AND**
20 **THAT THESE POLICIES AND PROCEDURES ARE ALSO**
21 **THE POLICY AND PROCEDURES OF THE CITY OF**
22 **NORTH LAS VEGAS AND THAT THESE POLICIES,**

1 **PROCEDURES, AND UNLAWFULL ACTIONS**
2 **PERPETUATE THE STIGMA SURROUNDING THE**
3 **MENTAL HEALTH DISORDERS OF THE CITY OF NORTH**
4 **LAS VEGAS'S MENTALLY ILL POPULATION AS WELL AS**
5 **PLAINTIFF'S MENTAL ILLNESS.**
6

7
8 Congress passed the ADA to provide "a clear and comprehensive
9 national mandate for the elimination of discrimination against
10 individuals with disabilities " 42 U.S.C. §12101(b)(1) of which all
11 named defendants have thereby violated as illustrated in the
12 pleadings of this Complaint.
13
14

15 **FACTS CONCERNING OFFICER DALE SMOCK**
16

17 On or about June third, 2016 THE CITY OF NORTH LAS VEGAS
18 POLICE DEPARTMENT ANIMAL CONTROL ordered Barbara
19 Cutolo to attend a mandatory mediation hearing to resolve the
20 Nuisance dog barking of the dogs in her kennel. She refused and in
21 violation of clearly established law on the Animal Control website
22 that it is **mandatory** ;Dale Smock discriminated against plaintiff by
23 refusing to have her attend and telling plaintiff that he cannot call
24 animal control anymore under color of law. Dale Smock violated
25 THE AMERICANS WITH DISABILITIES ACT by denying
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1 Plaintiff and mentally ill residents of North Las Vegas equal access to
2 the equal enforcement of the State and local Noise ordinance,
3 resulting in daily exacerbation of plaintiff's severe anxiety since May
4 2016, causing him severe daily mental anguish and suffering ,where
5 he has been forced to be under Psychiatric care and that of a Clinical
6 Psychologist, a Clinical Social Worker and is enrolled in therapy
7 classes to deal with Officer Smocks non-action and the daily
8 explosive barking of Barbara Cutolos dogs.

9 Officer Dale Smock showed malicious Discriminatory animus to
10 Plaintiff by lying to the Palomino Estates Homeowners Attorney
11 John Leach that the reason he doesn't enforce the Noise Ordinance is
12 because of "lack of investigative leads".

13 Plaintiff has made countless calls to Animal Control Dispatch
14 regarding the Nuisance Noise generated from Barbara Cutolos
15 Commercial Dog kennel located right behing Plaintiff's house in
16 violation of The Palomino Estates Homeowner Association CCR's
17 which state that no commercial breeding of dogs shall take place and
18 3 dogs is the maximum number of dogs a homeowner can have and
19 yet Barbara Cutolo is licensed for six dogs with THE CITY OF
20 NORTH LAS VEGAS ANIMAL CONTROL and has had more than
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1 six dogs at her residence and keeps her kennel covered up with tarps
2 as to hide the exact number. This illegal activity is condoned by Dale
3 Smock because of his discriminatory animus to Plaintiff UNDER
4 COLOR OF LAW and is malicious , willfull, wanton, reckless and
5 grossly negligent with the intent of causing extreme mental anguish
6 to Plaintiff evidenced by DALE SMOCKS complete failure to
7 enforce clearly established law and having entered into a Conspiracy
8 to create, promulgate, or otherwise establish a policy , custom , plan,
9 or scheme that is the driving force behind Plaintiff's claims of
10 violations of THE AMERICANS WITH DISABILITIES ACT and
11 Violations of The Fourth , Eighth , Fourteenth Amendments
12 By acting with deliberate indifference to Plaintiff's Constitutional
13 rights from June 2016 to Present and ongoing ,thereby compelling
14 Plaintiff to file this Action.

15 Moreover ,Plaintiff has not only kept a detailed log of Baraba Cutolos
16 dogs barking since September 17,2018 to present Plaintiff has
17 videotapes of the barking and at all times plaintiff has called since
18 September plaintiff has always had at least one witness .

19 Plaintiffs call were met with hostility by the CITY OF NORTH LAS
20 VEGAS dispatch operators despite telling the operators that Plaintiff
21

1 is disabled and that the dogs give Plaintiff panic attacks because of
2 his anxiety. The operators did not follow clearly established law but
3 instead forwarded plaintiff's calls to the information Officer Erin
4 Patty. Despite plaintiff leaving many messages that Plaintiff is
5 permanently mentally disabled and the dogs from the kennel were
6 giving Plaintiff panic attacks due to his anxiety, Barbara Cutolo was
7 not ordered to attend mediation to resolve the issue and Erin Patty
8 acted with deliberate indifference to Plaintiff's mental condition.
9 Officer DALE SMOCK breached his duty to enforce the Noise
10 Ordinance from September 2018 to present and is ongoing.
11 DALE SMOCK rang Plaintiff's doorbell on 9/19/2018 .He refused to
12 shake Plaintiff's hand and kept harassing Plaintiff and yelled at
13 Plaintiff saying "Don't tell me what my duties are." Despite talking
14 to two eyewitnesses of the horrific barking Officer Smock refused to
15 order Barbara Cutolo into mediation by saying "She wont go"
16 Officer Smock told me he knew about the demand letter that was
17 delivered to the City Attorney on 7/31/2017 and continued to
18 retaliate against me in direct violation of THE AMERICANS WITH
19 DISABILITIES ACT. He said that he was going to talk to City
20 Attorney Deep Goswami and also Officer Silva about the fact that he
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1 was prepared to “take it to the next step “ which turned out to be a
2 false charge of “FILING A FALSE POLICE REPORT” when
3 Plaintiff was engaged lawful activity to enforce the Noise Ordinance
4 by following the guidelines clearly spelled on THE CITY OF
5 NORTH LAS VEGAS ANIMAL CONTROL WEBSITE to where it
6 states “Please contact dispatch at (702) 633-1390 animal complaints
7 and officer requests” . OFFICER DALE SMOCK is excluding
8 Plaintiff from equal participation in enforcing the laws in violation
9 of THE AMERICANS WITH DISABILITIES ACT and is acting
10 with “Intentional Deliberate Indifference” to Plaintiff’s Civil Rights.
11 OFFICER DALE SMOCKS actions “shocks the conscious”.

12 **FIRST CLAIM FOR RELIEF**

13 **Violations of Title 11 of The Americans With Disabilities Act,** 14 **Section 504, and its Implementing Regulations**

15 1.Plaintiff hereby repeats, realleges, and incorporates by reference all
16 preceding paragraphs as though fully restated herein
17 Defendants **failed** to provide equal access to programs, services ,and
18 facilities including equal participation in the enforcement of laws by
19 excluding Plaintiff and disabled residents of North las Vegas
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1 2. Defendants **failed** to reasonably accommodate Plaintiff's
2 disabilities and the disabilities of North Las Vegas residents.

3 3. Defendants **failed** to provide effective communication to Plaintiff
4 and disabled residents of North Las Vegas

5 4. Defendants violated the ADA non retaliation policy to Plaintiff and
6 disabled residents of North Las Vegas

7 5. Defendants acted with "Deliberate Indifference" to the disabilities
8 of Plaintiff and disabled North Las Vegas residents

9 5. Defendants failed to provide equal access to court services by
10 excluding Plaintiff and disabled North Las Vegas residents

11 6. Defendants "Irrationally Discriminated" and perpetuated a stigma
12 concerning the mental illness of Plaintiff and the mental illness of
13 North Las Vegas disabled residents; causing damages

14 7. Defendant THE CITY OF NORTH LAS VEGAS CONTINUES
15 TO VIOLATE A SETTLEMENT AGREEMENT WITH THE
16 UNITED STATES OF AMERICA by failing to conduct a self -
17 evaluation of its, services policies and practices and failing to make
18 modifications necessary to comply with Title 11 requirements, and
19 failing to comply with the Agreement in its entirety

(SEE EXHIBIT P - SETTLEMENT AGREEMENT
INCORPORATED BY REFERENCE)

8. Defendants “Irrationally Discriminate” against Plaintiff’s Familial
Association with his mentally ill son, Sean T Szymborski and
“Irrationally Discriminate” against North Las Vegas residents that
Associate with mentally ill individuals

9. Defendants “Irrationally Discriminate” against Plaintiff’s
“Perceived Mental Disability” and the “Perceived Mental Disability”
Of disabled North Las Vegas residents

WHEREFORE, Plaintiff prays for relief , for himself and for asll
disabled North Las Vegas Residents

SECOND CLAIM FOR RELIEF

(Cruel and Unusual Punishment in Violation of the Eighth
Amendment To the U.S. Constitution)

Plaintiff hereby repeats, realleges ,and incorporates by reference all
preceding paragraphs as though fully restated herein.

Defendants, and each of them demonstrated deliberate indifference
and reckless disregard of Plaintiff’s disabilities and Civil rights

1 guaranteed by the U.S. Constitution and those of disabled North Las
2 Vegas residents.

3
4 The aforesaid deliberate indifference to Plaintiff's serious psychiatric
5 and physical disabilities constitute cruel and unusual punishment in
6 violation of the Eighth Amendment to the United States Constitution.
7

8 WHEREFORE, Plaintiff prays for relief , for himself , and for all
9 disabled residents of North Las Vegas.
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15 **THIRD CLAIM FOR RELIEF**

16 (Denial of Constitutional Right against Unreasonable Seizure in
17 Violation of The Fourth and Fourteenth Amendment to the U.S.
18 Constitution on behalf of Plaintiff and disabled North Las Vegas
19 Residents
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22 Plaintiff hereby repeats, realleges, and incorporates by reference all
23 preceeding paragraphs in its entirety as though fully restated herein.

24
25 Plaintiff was repeatedly unlawfully arrested and prosecuted by
26 Defendants of which constitutes unreasonable seizures and violated
27 Plaintiff's right to due process of law under the Fourteenth
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1 Amendment and to liberty under the Fourth Amendment of the
2 United States Constitution and 42 U.S.C. §1983

3
4 WHEREFORE, Plaintiff prays for relief, for himself and for all
5 disabled North Las Vegas Residents

6
7 **FOURTH CLAIM FOR RELIEF**

8 (Denial of Constitutional Right of Equal Protection of the Laws in
9 Violation of The Fourteenth Amendment to the United states
10 Constitution on Behalf of Plaintiff and disabled Residents of North
11 Las Vegas

12
13 Plaintiff hereby repeats, realleges, and incorporates by reference all
14 preceeding paragraphs in its entirety as though fully stated herein
15 Defendants policies, practices and procedures were intended and
16 designed to single out disabled Plaintiff and disabled North Las
17 Vegas Residents to have the purpose and effect of depriving mentally
18 ill Plaintiff and mentally ill North Las Vegas Residents of their right
19 to equal treatment by all defendants. These policies and procedures
20 are based on Defendant's animus, disfavor, and deliberate
21 indifference to Plaintiff's real and or perceived mental illness and that
22 of other mentally ill North Las Vegas Residents and lack a rational
23 relationship to any legitimate state and municipal interest. In adopting
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1 and implementing these policies and practices; with intent to harm
2 and disadvantage disabled Plaintiff, and disabled North Las Vegas
3 Residents. Defendants have Violated the Equal Protection Clause of
4 the U.S. Constitution and 42 U.S.C. § 1983.
5

6 WHEREFORE , Plaintiff prays for relief, for himself and for all
7 disabled North Las Vegas Residents.
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13 **FIFTH CLAIM FOR RELIEF**

14 (Denial of Due Process of Law in Violation of the Fourteenth
15 Amendment to the U.S. Constitution on behalf of Plaintiff and
16 disabled North Las Vegas Residents)
17

18 Plaintiff realleges and incorporates all previous paragraphs of the
19 complaint, to the relevant extent, as if fully set forth by
20 Plaintiff and disabled North Las Vegas Residents
21

22 Plaintiff and disabled North Las Vegas Residents were not given any
23 appropriate Due process as a means to challenge or reverse
24 Defendants Unconstitutional policies and procedures, non action of
25 complaints to THE CITY OF NORTH LAS VEGAS POLICE
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1 DEPARTMENT'S ANIMAL CONTROL DIVISION, and denial of
2 Equal Participation in THE CITY OF NORTH LAS VEGAS
3 Services to the Public in Direct Violation of TITLE 11, AND
4 SECTION 504 of THE AMERICANS WITH DISABILITIES ACT
5 ("ADA")
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7

8 WHEREFORE, Plaintiff prays for relief, for himself and all disabled
9 North Las Vegas Residents
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14 **SIXTH CLAIM FOR RELIEF**

15 (Denial of the Right to Legal Counsel and the Right to compel
16 favorable witness to testify at trial through the subpoena power of the
17 Judiciary in Violation of the Sixth Amendment)
18

19 Plaintiff hereby repeats , realleges, and incorporates by reference all
20 the allegations in the preceeding paragraphs of the complaint, to the
21 relevant extant ,as if fully set forth
22

23 Defendants THE CITY OF NORTH LAS VEGAS and JUDGE
24

25 SEAN HOEFFGEN failed to provide the Right of Legal Counsel for
26 disabled Plaintiff and disabled North Las Vegas Residents, and
27 failed to provide Plaintiff the Right to compel favorable witnesses to
28

1 testify at trial on July 31, 2017 in direct Violation of The Sixth
2 Amendment.

3
4 WHEREFORE, Plaintiff prays for relief, for himself and disabled
5 North Las Vegas Residents.

6
7 **SEVENTH CLAIM FOR RELIEF**

8 **VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. 1983**

9 **CUSTOM, POLICY, PRACTICE**

10
11 Plaintiff hereby repeats, realleges ,and incorporates by reference all
12 preceeding paragraphs in their entirety as though fully stated herein.

13
14 THAT AT ALL TIMES , THE CITY OF NORTH LAS VEGAS

15 Developed and maintained policies and/or customs exhibiting
16 deliberate indifference to The Constitutional Rights of United States
17 citizens , which caused the violations of disabled Plaintiff's Rights
18 and the Rights of disabled North Las Vegas Citizens.

19
20 The actions of the defendants herein resulted from and were taken
21 from a de facto policy of THE CITY OF NORTH LAS VEGAS
22 AND THE CITY OF NORTH LAS VEGAS POLICE

23
24 DEPARTMENT which is implemented by the police officers, city
25 attorneys , municipal court judge, employees, agents, contractors of
26 the aforementioned defendants by summarily violating the
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1 Constitutional rights of disabled Plaintiff and disabled North Las
2 Vegas Residents as fully put forward in all the allegations in the
3 complaint in its entirety. That the above described policies and/or
4 customs demonstrate a deliberate indifference on the part of
5 Defendants THE CITY OF NORTH LAS VEGAS AND THE CITY
6 OF NORTH LAS VEGAS POLICE DEPARTMENT and were the
7 cause of the violations of disabled Plaintiffs Rights and the Rights of
8 Disabled North Las Vegas Citizens.
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12 WHEREFORE , Plaintiff prays for relief ,for himself and for all
13 disabled North Las Vegas Citizens.
14

15 STATE CLAIMS

16 Plaintiff hereby repeats, realleges, and incorporates by reference all
17 the preceeding paragraphs in their entirety as though fully restated
18 herein and applies to all the following state claims .
19

- 20 1. False arrest and imprisonment against THE CITY OF NORTH
21 LAS VEGAS POLICE DEPARTMENT
22
- 23 2.Intentional Infliction of Emotional Distress by all Defendants
24
- 25 3.Civil Conspiracy by all Defendants
26
- 27 4.Abuse of Process by all Defendants
28
- 5.Negligence by all Defendants

1 6. Gross Negligence by all Defendants

2 7. Negligence Per se by all Defendants

3 8. Negligent Hiring, Training and Supervision

4 WHEREFORE, Plaintiff prays for relief, for himself and for all
5 disabled North Las Vegas Residents
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12 **PRAYER FOR RELIEF**

13 Wherefore, Plaintiff prays that this Court will grant judgement in
14 favor of Plaintiff and declare that the Defendants actions violate Title
15 11 and section 504 of the ADA.
16

17 1. Award compensatory damages

18 2. Injunctive relief

19 3. General damages in an amount to be proven at trial as to each and
20 every claim herein
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22 4. Exemplary and/or punitive damages in an amount to be proven at
23 trial as to each and every claim herein
24

25 5. Prejudgement interest pursuant to law
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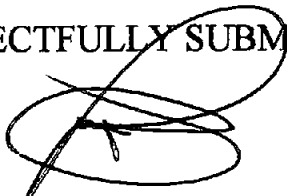
- 1 6. Declaratory relief declaring defendants policies, procedures and
2 conduct to be unconstitutional
3
4 7. Following a proper motion, a permanent injunction requiring
5 Defendants THE CITY OF NORTH LAS VEGAS AND THE
6 CITY OF NORTH LAS VEGAS POLICE DEPARTMENT to
7 adopt appropriate policies regarding the hiring, training,
8 supervision of their Police Officers, Judges, City Attorneys and all
9 other employees
10
11 8. Reasonable Attorneys fees and costs pursuant to all applicable
12 Federal and State codes, rules, including without limitation 42
13 U.S.C. §1988; and such other and further relief as the court deems
14 just and proper.
15
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17

18 **DEMAND FOR JURY TRIAL**

19 Plaintiff hereby demands a trial by jury on all issues in this action to
20 the extent authorized by law.
21

22 DATED THIS 25TH DAY OF FEBRUARY 2016

23 RESPECTFULLY SUBMITTED,
24

25 

26 LEE EDWARD SZYMBORSKI
27
28